

### **III. Remarks**

Claims 1-16 were pending in this application. The present amendment cancels claims 4 and 12, and amends claims 1-3, 5-6, 9-11 and 13-15 to more particularly point out and clarify Applicant's invention. No new matter has been added by the present amendment. After this amendment, claims 1-3, 5-11 and 13-16 will be pending.

Reconsideration of the application in view of the following remarks is respectfully requested.

#### **Objections**

The Abstract has been amended with a marked-up version being provided on page 2. Specifically, the Abstract was amended by deleting "or each" from the third sentence. This amendment was in response to an objection that "of the or each adjacent window" from line 3 of the Abstract was unclear.

Claim 1 was amended by replacing "comprising," with "comprising" (i.e. deletion of the comma). This amendment was in response to an objection that claim 1 recited "comprising," which should be changed to "comprising".

Claim 2 has been amended by replacing "curtain," with "curtain" (i.e. deletion of the comma). This amendment was in response to an objection that claim 2 recited "curtain," which should be replaced with "curtain".

Claim 9 has been amended by replacing "comprising," with "comprising" (i.e. deletion of the comma) and replacing "defiing a lower edge regaon" with "defining a lower edge region". These amendments were in response to first objection that claim 9 recited "comprising," which should be replaced with "comprising" and a

second objection that “defining a lower edge regaon” should be changed to “defining a lower edge region”.

Claim 15 has been amended by replacing “part” with “the part”. This amendment was in response to an objection that claim 15 recited “part” which should be changed to “the part.” Accordingly, Applicant believes that the amendments discussed in the foregoing paragraphs have cured the objections of the Abstract and claims 1, 2, 9, and 15.

*Rejections under 35 U.S.C. § 112*

Claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Independent claims 1 and 9 have been amended to recite that a lower edge region includes an inflatable curtain lower edge. This amendment was in response to the rejection that claims 1-16 were indefinite because the “lower edge region” is unclear as to what it exactly comprises. Accordingly, Applicant believes that the 35 U.S.C. § 112, second paragraph, rejection of claims 1-16 have been cured.

*Rejections under 35 U.S.C. § 103*

Claims 1-7 and 9-15 were rejected under 35 U.S.C. § 103(a), as being unpatentable over US Patent No. 6,203,058 issued to Elqadah (“Elqadah”) in view of US Patent Application No. 2002/0105174 issued to Tanase (“Tanase”). Applicant has cancelled claims 4 and 12. Accordingly, the rejection of claims 4 and 12 are

now moot. Applicant respectfully submits that the rejection of claims 1-3, 5-7, 9-11 and 13-15 are traversed.

Applicant has amended independent claims 1 and 9 to further recite that the inflatable curtain defines a plurality of inflatable cells that generally extend vertically. A forward part of the inflatable curtain is secured to the vehicle at a first anchoring point and a rear part of the inflatable curtain is secured to the vehicle at a second anchoring point. The inflatable cells are configured so that, when inflated, a virtual line of tension is created between the anchoring points above the lower edge of the side window. The inflatable cells extend from at least the virtual line of tension to below the lower edge of the side window opening to support the inflatable curtain across the side window opening. Support for this amendment may be found in Applicant's application at paragraphs [0020] through [0027].

Elqadah discloses an inflatable curtain 14, which is mounted adjacent to the side structure 16 of the vehicle 12. The side structure 16 of the vehicle 12 includes side windows 20. *Elqadah* at Col. 1, lines 60-65. First and second inflatable members 52 and 54 connect the inflatable curtain 14 to the vehicle 12. *Id.* at Col. 1, lines 25-31. Specifically, the first and second inflatable members 52 and 54 are attached to the bottom edge 58 of the curtain 14 and are further attached to the side structure 16 of the vehicle 12 at locations 62 and 74 below the bottom edge 58 of the curtain. These side structure 16 locations 62 and 74 are below the bottom edge 58 of the side window 20 (see Figure 3). When inflated, the first and second inflatable members 52 and 54 tension the inflatable curtain 14 downward, along its bottom edge 58, and across the side window 20, so that the inflatable curtain 14 resist movement away from the side structure 16. *Id.* at Col 2, lines 30-50 and Col. 3, lines

35-51. However, and as noted by the Examiner, Elqadah fails to disclose that the inflatable curtain 14 defines a plurality of inflatable cells. Moreover, Elqadah fails to disclose that a virtual line of tension is created above the lower edge of the side window and that the inflatable cells extend from at least the virtual line of tension to below the lower edge of the side window opening to support the inflatable curtain across the side window opening.

Tanase discloses a side airbag 10 having a plurality of expansion rooms 50, 52, 54, 56, 58, 60, 62, and 64 formed therein. *Tanase* at paragraph [0038]. However, Tanase fails to disclose that the airbag 10 has any portion disposed below a lower edge of the side window.

Neither Elqadah nor Tanase, independently or in combination, disclose, teach, or suggest the present invention recited in independent claims 1 and 9. More specifically, neither Elqadah nor Tanase disclose, teach, or suggest an inflatable curtain, when inflated, having a virtual line of tension created between the anchoring points above the lower edge of the side window and that the inflatable cells extend from at least the virtual line of tension to below the lower edge of the side window opening to support the inflatable curtain across the side window opening. In that Elqadah and Tanase lack the noted elements of claims 1 and 9, the rejection based thereon should be withdrawn. Accordingly, Applicant believes claim 1 and 9 and their dependent claims 2-3, 5-7, 10-11 and 13-15 are in a condition for allowance.

Claims 8 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elqadah in view of Tanase, and further in view of US Patent No. 6,237,941 issued to Bailey ("Bailey"). Applicant respectfully submits that the rejection of claims 8 and 16 are traversed.

Since claim 8 depends on claim 1 and claim 16 depends on claim 9, and since Bailey fails to disclose an inflatable curtain, when inflated, having a virtual line of tension created between the anchoring points above the lower edge of the side window and that the inflatable cells extend from at least the virtual line of tension to below the lower edge of the side window opening to support the inflatable curtain across the side window opening, the combination of Elqadah, Tanase, and Bailey cannot render the claims of the present invention as obvious. The rejection under 35 U.S.C. § 103(a) is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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